

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-343-C - ORDER NO. 2004-487
OCTOBER 12, 2004

IN RE: Rule to Show Cause against Delta Phones,)	ORDER GRANTING
Inc. and E Z Talk Communications, LLC.)	MOTION TO DISMISS
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Commission Staff to Dismiss without Prejudice. In support of its Motion, the Staff alleges the following facts:

On November 20, 2003, the Staff filed a Petition for a Rule to Show Cause against Delta Phones and EZ Talk with the Commission. On December 23, 2003, counsel for EZ Talk and Delta Phones filed a response to Staff's Rule to Show Cause. Thereafter, in March 2004, Staff learned that Delta Phones and E Z Talk had filed Chapter Eleven Bankruptcy (business reorganization) in the United States Bankruptcy Court for the Northern District of Illinois Eastern Division.

In April 2004, the Staff learned that E Z Talk's and Delta Phones' Chapter Eleven Bankruptcy case had been converted to a Chapter Seven Bankruptcy (total liquidation). Moreover, Staff is aware of a pending matter before the Tennessee Regulatory Authority (TRA) involving the revocation of E Z Talk's Certificate of Public Convenience and Necessity. Facts that have been alleged recently in the proceeding before the TRA were unknown to Staff when it filed its Petition for Rule to Show Cause before the

We have examined this matter and the facts herein, and we agree that Staff states good grounds for its Motion. We therefore dismiss the Rule to Show Cause without prejudice. This Order shall remain in full force and effect until further Order of the Commission.

/s/
Randy Mitchell, Chairman

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)